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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/647,752 | 04/16/2003 | Jay R. Akhave | 310048-347-US | 3930 |
| 24201 | 7590 | 08/09/2005 | EXAMINER | |
| FULWIDER PATTON LEE & UTECHT, LLP HOWARD HUGHES CENTER 6060 CENTER DRIVE TENTH FLOOR LOS ANGELES, CA 90045 | | | DICUS, TAMRA | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1774 | |
| DATE MAILED: 08/09/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/647,752

Applicant(s)

AKHAVE ET AL.

Examiner

Tamra L. Dicus

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 7, 8 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-12 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10-04-08.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Acknowledgement is made of the election of Group I, claims 1-6, 9-12, and 14 without traverse.

Group II, claims 7-8, and 13 are withdrawn and therefore not addressed in this prosecution.

Acknowledgement is made of the 1449 (10-04-00).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 9-12, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,194,299 to Fry.

Fry teaches a controlled droplet-formed layered structure, comprising a substrate such as paper, plastic, or film (col. 2, lines 25-30, col. 12, lines 55-61, and col. 13, lines 25-26, instant claims 11 and 14) and at least two controlled droplet-formed layers further comprising an array of controllably-placed material volumes having a thickness extent (see Fry, 22a and 22, FIG. 2 and associated text; col. 2, lines 40-43 and col. 4, lines 8-15), each material volume (see Fry, 15, FIG. 1 and associated text) having a selected magnitude in the range of about 25 to about 1000 microns (Fry teaches the droplet size, equivalent to a material of 0.02 to 0.2 mm, falling within Applicant's range of 0.025 to 1 mm) (see Fry, col. 4, lines 29-30) and a selected position relative to adjacent material volumes said array being formed by deposition of droplets of selected

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volume at selected locations with respect to one another (see Fry, array of adhesive droplets at selected locations - FIG. 2 and associated text; col. 2, 45-65, col. 4, lines 1-25, lines 33-39, col. 7, lines 1-12, and Table 1 and Table II) (instant claim 1) and formed by projecting droplets through the atmosphere of selected volume at selected locations with respect to one another (see Fry, 15 and 10, FIG. 1, and associated text and col. 4, lines 8-15) (instant claim 9). Fry teaches further the droplet-formed layers are of different magnitude than other material volumes in the droplet layer (see col. 2, lines 65+, and col. 7, lines 1-20, where the adhesive islands diameter and thickness range from 0.05-0.07 mm and 0.01 to 0.05 mm, having wide or narrow patterns) (instant claim 3). See also Example 80. Claims 1, 3, 4, and 9 are met.

Regarding claim 2, the droplet-formed layers are of different material and comprises at least two differing materials such as an aqueous dispersion of adhesive, adhesive blend, acrylate emulsion adhesive, or a variety of PSAs (col. 2, lines 65+, col. 8, lines 65+, col. 13, lines 1-3, and col. 7, line 40 - col. 8, line 35).

Regarding claim 5, the controlled-droplet-formed layer is discontinuous (col. 3, lines 22) and comprises an array of material volumes wherein at a first selected location a material volume overlays the substrate (col. 4, lines 15-20 and FIG. 2, 22a) and at a second selected location a material volume does not overlay the substrate (FIG. 2, the location at distances from the outward edges to just before the adhesive layers 22a and 22, col. 2, lines 30-31, and col. 8, lines 50-54).

Regarding claim 6, the first and second controlled-droplet layers comprise individual layers of paper and notes, and tape (label products and pad format in a stack, see col. 4, line 53,

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col. 7, line 10-11, col. 12, lines 55-61, col. 13, lines 10-15 and col. 5, lines 1-25, functional equivalency to a label having a plurality of layers).

Regarding claim 10, the controlled droplet formed structure comprises a pressure-sensitive adhesive label (the PSA is applied to sheet web backings of plastic film or paper or coated paper, thereby forming a PSA label, Tables I and II, col. 2, lines 25-35, col. 4, line 53, col. 7, line 10-11, col. 12, lines 55-61, col. 13, lines 10-15 and col. 5, lines 1-25).

Regarding claim 12, each material volume has a selected magnitude of about 15 to 500 microns in diameter, Fry teaches diameters from 0.05-1.0 mm in Table II, falling within Applicant's range of 0.015 to 0.5 mm). Claims 1-6, 9-12, and 14 are met.

Prior Art of Interest

- USPN 5,795,636 to Keller et al. teaches adhesive droplets having different materials such as two or more adhesive materials or blends in discontinuous patterns for PSA labels and including release liners.
- USPN 6,383,591 to Miles teaches adhering linerless repositionable sheets onto articles comprising sprayed adhesive.
- USPN 4,768,810 to Mertens teaches pressure-sensitive adhesive spots in an adjacent pattern on a sheet and pad.
- USPN 6,749,707 to Saksa et al. teaches a method of depositing adhesives using ink jet technology deposited on sheets or cards.
- USPN 5,935,670 and 6,686,016 to Downs teaches adhesive droplets or dots sprayed on a sheet.

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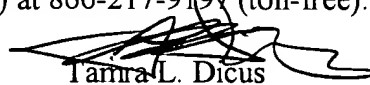
- USPN 6,830,795 to Downs teaches stripe coated linerless labels having several adjacent dot patterned adhesive with papers.
- USPN 6,187,432 to Krish et al. teaches a composite pressure sensitive adhesive used with labels and tapes having a discontinuous PSA dispersed in a continuous PSA layer.
- USPN 5,476,712 to Hartman et al. teaches a flexographic plate mounting tape.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamra L. Dicus whose telephone number is 571-272-1519. The examiner can normally be reached on Monday-Friday, 7:00-4:30 p.m., alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tamra L. Dicus
Examiner
Art Unit 1774

7/28/05


RENA DYE
SUPERVISORY PATENT EXAMINER
A.U. 1774 8/5/05